

Feb 24, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALI ABED YASER (01),
HUSSEIN A. YASER (02),
INSAF A. KARAWI (03),
HASANEIN A. YASER (04),
AHMAD K. BACHAY (05),
MASHAEL A. BACHAY (06),
MOHAMMED BAJAY (07),
HUSSAIN K. BACHAY (08),
NOOR TAHSEEN AL-MAAREJ (09),
ALI F. AL-HIMRANI (10),
RANA J. KAABAWI (11),
AMAR F. ABDUL-SALAM (12),
AMEER R. MOHAMMED (13),
MOHAMMED F. AL-HIMRANI (14),
MARIA ELENA SANCHEZ (15),
SEIFEDDINE AL-KINANI (16),
ABDULLAH AL-DULAIMI (17),
FIRAS S. HADI (18),
FAROOQ S. YASEEN (19),
KHALIL ABDUL-RAZAQ (20),
JESUS GEORGE SANCHEZ (21),
SINAN AKRAWI (22), and
MOHAMMED NAJI AL-JIBORY (23),

Defendants.

No. 4:21-CR-06042-MKD

ORDER APPOINTING JOHN C.
ELLIS, JR. AS COORDINATING
DISCOVERY ATTORNEY

ECF No. 383

1 Before the Court is Defendant Hussein A. Yaser's (02) Motion to Appoint a
2 Coordinating Discovery Attorney, ECF No. 383. This case was declared complex
3 on January 18, 2022. ECF No. 249. Defense counsel states that, according to the
4 United States, discovery disclosures to date contain approximately 137,000 pages
5 of PDF files, approximately 73 hours of audio and video recordings, 14 terabytes
6 of electronically stored data, and 1.8 terabytes of pole camera footage. ECF No.
7 385 at 1-2. The Court has reviewed the record and is fully informed. The Court
8 finds that a coordinating discovery attorney is warranted in this multi-defendant
9 complex criminal case that involves a vast amount of discovery, including multiple
10 terabytes of electronically stored information.

11 Defense counsel moves the Court to appoint John C. Ellis, Jr. as the
12 Coordinating Discovery Attorney in this case. Mr. Ellis is an attorney in San
13 Diego, California, and one of five Coordinating Discovery Attorneys for the
14 Defender Services Office of the Administrative Office of the United States Courts.
15 ECF Nos. 384, 385. His background includes 13 years at the Federal Defenders of
16 San Diego, Inc., with extensive experience working on complex federal cases.
17 ECF No. 384. No counsel of record object to Mr. Ellis' appointment.

18 Accordingly, **IT IS ORDERED:**

19 1. John C. Ellis, Jr. is appointed as the Coordinating Discovery Attorney
20 in this case.

1 2. The Coordinating Discovery Attorney shall oversee any discovery
2 issues that are common to all Defendants. The Coordinating Discovery Attorney
3 shall address discovery issues to avoid potential duplicative costs that would be
4 incurred if defense counsel were to employ support services or staff to organize the
5 discovery for each individual defendant. The Coordinating Discovery Attorney
6 shall assess the most cost-effective and efficient manner in which to organize the
7 discovery using methods that will benefit all Defendants. The Coordinating
8 Discovery Attorney's responsibilities will include:

- 9 • Managing and, unless otherwise agreed upon with the United States,
10 distributing discovery produced by the United States and relevant
 third-party information common to all Defendants;
- 11 • Assessing the amount and type of case data to determine what types of
12 technology should be evaluated and used so duplicative costs are avoided
 and the most efficient and cost-effective methods are identified;
- 13 • Acting as a liaison with federal prosecutors to ensure the timely and
14 effective exchange of discovery;
- 15 • Identifying, evaluating, and engaging third-party vendors and other
16 litigation support services;
- 17 • Assessing the needs of individual parties and identifying any additional
18 vendor support that may be required—including copying, scanning,
19 forensic imaging, data processing, data hosting, trial presentation, and
 other technology depending on the nature of the case; and
- 20 • Identifying any additional human resources that may be needed by the
 individual parties for the organization and substantive review of
 information.

1 3. Discovery issues specific to any particular defendant shall be
2 addressed by defense counsel directly with the United States and not through the
3 Coordinating Discovery Attorney.

4 4. Individual defendants may request direct discovery from the United
5 States only after reviewing discovery provided by the Coordinating Discovery
6 Attorney.

7 5. The Coordinating Discovery Attorney's duties do not include
8 providing additional representation services, and he therefore will not be
9 establishing an attorney-client relationship with any defendant in this criminal
10 case.

11 6. The Coordinating Discovery Attorney shall not provide subjective
12 analysis that could cause conflict issues to arise between co-defendants.

13 7. The United States shall provide discovery to the Coordinating
14 Discovery Attorney unless otherwise agreed. To avoid delay in providing
15 discovery to defense counsel, any additional discovery not already produced shall
16 be provided directly to the Coordinating Discovery Attorney, who shall duplicate
17 and distribute the discovery to all defense counsel. The Coordinating Discovery
18 Attorney shall not redact or omit any discovery. The Court strongly recommends
19 that the Coordinating Discovery Attorney use a secure server to disseminate
20 discovery in this matter. The Coordinating Discovery Attorney shall disseminate

1 discovery to all Defendants, regardless of whether a particular defendant has
2 retained or court-appointed counsel.

3 8. The United States shall work with the Coordinating Discovery
4 Attorney to provide discovery in a timely manner. The Court will require the
5 United States, the Coordinating Discovery Attorney, Lead Defense Counsel, and
6 the Supervising CJA Attorney, Darrel Gardner, to meet and confer within **one**
7 **month** of this Order.

8 9. The Coordinating Discovery Attorney shall petition this Court, *ex*
9 *parte*, for funds for outside services and shall monitor all vendor invoices for these
10 services including confirming the work was as previously agreed. However, the
11 Coordinating Discovery Attorney's time and the time spent by his staff will be paid
12 by the Defender Services Office of the Administrative Office of the United States
13 Courts. All petitions for outside services shall include a basis for the requested
14 funds and a determination that the costs of the services are reasonable.

15 10. Defense counsel may still require support staff services depending
16 upon the particular needs of their case. However, prior to petitioning the Court for
17 any support staff funds, defense counsel must first confer with the Coordinating
18 Discovery Attorney to determine whether such services are already being
19 addressed or could be addressed in whole or in part. Any motion for support
20 services should include an accompanying declaration that counsel has conferred

1 with the Coordinating Discovery Attorney and the Supervising CJA Attorney,
2 Darrel Gardner.

3 11. The Coordinating Discovery Attorney shall prepare and file, *ex parte*,
4 a proposed budget within **one month** from the date of this Order. The
5 Coordinating Discovery Attorney shall provide this Court with periodic *ex parte*
6 status reports depicting the status of work and, if any third-party services are used,
7 whether those third-party services remain within the budget authorized by the
8 Court.

9 12. **IT IS SO ORDERED.** The District Court Executive is directed to
10 enter this Order and provide copies to the United States, all defense counsel, the
11 Coordinating Discovery Attorney, and the Supervising CJA Attorney, Darrel
12 Gardner.

13 DATED February 24, 2022.

14 s/Mary K. Dimke
15 MARY K. DIMKE
16 UNITED STATES DISTRICT JUDGE
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